

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

SERGIO MANUEL CISNEROS,
Defendant.

NO. CR-03-2193-WFN-1

ORDER

Pending before the Court is Defendant's Motion for Reduction of Sentence in Light of the November First 2010 Amendments to the U.S.S.G. (ECF No. 272). Mr. Cisneros benefitted from a binding plea agreement for 180 months. The Court accepted the parties' binding plea agreement and sentenced Mr. Cisneros accordingly. The Court makes no findings regarding the applicability of the new crack cocaine guidelines on Mr. Cisneros' guideline calculations. Though the Court did review the guideline range as well as the 18 U.S.C. § 3553 factors at the sentencing hearing, Mr. Cisneros' sentence was not based on the guideline range. Thus, the amendments do not affect the Court's final decision as to his sentence.

The Court has reviewed the file and Motion and is fully informed. This Order is entered to memorialize and supplement the oral rulings of the Court. Accordingly,

IT IS ORDERED that Mr. Cisneros' *pro se* Motion for Reduction in Sentence, filed April 15, 2011, **ECF No. 272**, is **DENIED**.

The District Court Executive is directed to file this Order and provide copies to counsel and Mr. Sergio Cisneros.

DATED this 10th day of June, 2011.

06-09

s/ Wm. Fremming Nielsen

WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE